

REMARKS

The final rejection mailed December 2, 2008, has been carefully reviewed with the filing of the attached RCE and entry of the amendment presented above, the claims in the application are now claims 1 and 6-10. The claims define patentable subject matter warranting their allowance. Favorable reconsideration and allowance are respectfully urged.

As the restriction requirement has been repeated and made final, the non-elected and withdrawn claims have now been deleted without prejudice to applicants' rights, including those rights provided by Sections 121, 120 and 119, to proceed with a divisional application.

New claims 6-10 have been added. These find support in the bottom two paragraphs on page 2 of the specification, the bottom paragraph on page 3, and the top paragraphs on page 4. Claims 6-9 are patentable **at least** for the reason that they depend from and incorporate the subject matter of claim 1, which is patentable for the reasons pointed out below. New claim 10 is patentable for the same reasons as claim 1, as explained below.

Claim 1 has been rejected under the first paragraph of Section 112. The rejection is respectfully traversed.

Applicants believe and respectfully submit that "a synthetic gel absorbent" is neither "new matter" nor in violation of the written description requirement of the first paragraph of Section 112. Direct support for the terminology in question appears at page 3, lines 27 and 28. This support is not only clear, but is explicit. Further support is to be found at page 3, lines 19-21, with reference to "a synthetic absorbent of a gel type." The rejection is respectfully submitted to be unjustified.

Withdrawal of the rejection is in order and is respectfully requested.

Claim 1 has been again rejected under Section 102 as anticipated by the publication of Motoyuki Tagashira et al, hereinafter simply "Tagashira". This rejection is respectfully traversed for the reasons of record, respectfully repeated by reference, and for the additional reasons set forth below.

The materials and methods of Tagashira are clearly set forth on the first page of the publication under the heading "Materials and Methods" where the following text appears:

The obtained bracts...were extracted with... 30% ethanol aqueous solution... After filtration and evaporation of the ethanol, the extract was lyophilized to give a light-green residue.

It is clear that after filtration and evaporation of the ethanol, the extract was lyophilized to provide a light-green powder.

Applicants' process differs from the process of Tagashira. In the present invention, the extract dissolved in the aqueous alcohol solution is filtered for clarification of the extract, after which the extract is then concentrated. There is no disclosure in Tagashira of such a filtering prior to concentration, in order to clarify the extract.

Accordingly, Tagashira does not anticipate on this basis alone.

In the present invention, before the purifying operation with a synthetic gel adsorbent, the extract is clarified by filtering and concentrated by centrifuging filtering to obtain a transparent liquid, whereas in Tagashira there is no process of clarifying the extract. Applicants' process is described in detail in the paragraph spanning pages 2 and 3, and the first full paragraph on page 3 of the specification, and is also described in the examples.

Tagashira differs in other respects from the present invention, e.g. in the lyophilization step, and applicants' process is therefore simplified compared to that of Tagashira.

In addition, applicants' process is not only different from the process of Tagashira, but is also improved both procedurally and in the results produced, the latter being shown in the examples which show obtaining hop bract polyphenol having a high degree of purification.

Withdrawal of the rejection is in order and is respectfully requested.

Applicants believe that all issues raised in the Final Action are addressed above in a manner that should lead to patentability of the present application. Favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

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